

**REMARKS**

**Status of the Application**

Claims 1-24 are pending in the application. Claims 1-10, 15 and 23-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Humpleman et al. (U.S. Patent 6,243,707), hereafter "Humpleman". Claims 11-14 and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman as applied to claims 1-10 above, and further in view of what was well known in the art at the time of the invention.

**Preliminary Matters**

Applicant thanks the Examiner for indicating that the drawings filed on January 23, 2004 are accepted.

**Claim Rejections - 35 U.S.C. § 102**

*Claims 1-10, 15 and 23-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Humpleman et al. (U.S. Patent 6,243,707), hereafter "Humpleman".*

The Examiner provides substantially the same rejection in the instant Office Action as was provided in the Office Action dated August 6, 2007. Therefore, the following comments will be directed toward the Examiner's Response to Arguments found on page 2 of the instant Office Action.

Claim 1 recites, in part, "a storage unit which stores a remote control service list information which represents a function responding to a remote controller of the respective devices connected in the network." The Examiner alleges that Humpleman discloses all of the elements of claim 1. Applicant respectfully disagrees.

In the Response to Arguments, the Examiner argues that a storage section is inherent because HTML files containing remote control service list information are stored at a home device, citing col. 7, lines 19-21 and 38-48. However, the home device 204 cited by the Examiner does not store remote control information service list information representing a function responding to a remote controller of the respective devices connected in the network. Rather each home device 204 stores HTML files capable of producing a GUI for that particular device on a DTV (client) 202. Thus, each home device only stores HTML files related to itself. See col. 7, lines 1-10 of Humpleman.

As noted in the Amendment filed November 6, 2007, the DTV disclosed in Humpleman displays a GUI without knowing any specific details about the particular device that produced the GUI. See col. 7, lines 4-8 of Humpleman. At best, any storage unit disclosed as part of the DTV would be temporary for use while interpreting the HTML file received from a particular home device. Once a different home device sends its HTML producing GUI files to the DTV, however, the previously produced GUI is removed from the screen. On the other hand, claim 1 requires storing “a remote control service list information which represents a function responding to a remote controller of the respective devices”. There is no indication that the DTV stores remote control service list information from each of the respective devices connected in the network. Thus, Humpleman can only be described as being ambiguous as to disclosing a storage unit as recited in claim 1. However, as stated by the Federal Circuit, any ambiguity is to be

construed against the Examiner.<sup>1</sup> Thus, Humpleman cannot disclose all of the elements of claim 1, as alleged by the Examiner, and claim 1 is patentable over the applied art.

Claims 2-10, 15 and 23-24 are patentable at least by virtue of their dependency from claim 1.

**Claim Rejections - 35 U.S.C. § 103**

*Claims 11-14 and 16-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman as applied to claims 1-10 above, and further in view of what was well known in the art at the time of the invention.*

Claims 11-14 and 16-22 are dependent from claim 1. Because Humpleman fails to disclose all of the aspects of claim 1, and because what was well known in the art fails to cure the deficient disclosure of Humpleman, claims 11-14 and 16-22 are patentable at least by virtue of their dependency from claim 1.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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<sup>1</sup> See *In re Robinson*, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999).

RESPONSE UNDER 37 C.F.R. § 1.116  
Application No.: 10/762,511

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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